THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21486 OF 2005

DATED:3.10.2005

Between:

Mr.Yerra Shankaraiah

…Petitioner

And

The Commissioner of Panchayat Raj and Rural

Development Department, Urdu Galli,

Himayathnagar, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21486 of 2005

ORDER:

The petitioner, who was Sarpanch of Peepalpahad Gram Panchayat, Chowtuppal Mandal, Nalgonda District, was removed by the District Collector under sub-section (1) of Section 249 of the A.P.Panchayat Raj Act, 1994 (for short, the Act) on certain allegations. Aggrieved by the same, petitioner preferred an appeal before the first respondent on 23.9.2005. He also filed an application seeking suspension of the orders/proceedings of the District Collector. But, no orders are passed. Therefore, in this Writ Petition, the petitioner seeks a declaration that the action of the first respondent in not passing any orders on the stay application as well as on the appeal filed under sub-section (7) of Section 249 of the Act is illegal and arbitrary.

Even according to the petitioner the appeal was submitted to first respondent only on 23.9.2005. Therefore, this Court does not find any illegality on the part of first respondent in not passing instant orders, however grave the grievance of the petitioner might be. However, this Court is of considered opinion that when the petitioner is seeking suspension of the proceedings of the District Collector, some appropriate order ought to have been passed.

Therefore, after hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj, this Court is of considered opinion that interest of justice would be served by directing first respondent to dispose of the stay application filed by the petitioner along with appeal within a period of one week from the date of receipt of a copy of this order. Further, a direction shall also issue to first respondent to dispose of the appeal itself within a period of four weeks from the date of receipt of a copy of this order after issuing notice to the petitioner.

The Writ Petition with the above observations and directions is accordingly disposed of. No costs.

3.10.2005 (V.V.S.RAO, J)

Note:Issue CC today.

(B.O)

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